

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SAMATAR ABDI,

Plaintiff,

v.

AB CAR RENTAL SERVICES, INC., a
Delaware corporation

Defendant.

CASE NO. 2:16-cv-00421-RSL

**~~PROPOSED~~ ORDER GRANTING
PLAINTIFF'S MOTION FOR
ATTORNEY'S FEES, COSTS AND
CLASS REPRESENTATIVE'S
INCENTIVE AWARD**

WHEREAS, Plaintiff has submitted authority and evidence supporting Plaintiff's Motion for Attorney's Fees, Costs and Class Representative's Incentive Award; and

WHEREAS, the Court, having considered the pleadings on file and being fully advised, finds that good cause exists for entry of the Order below; now, therefore,

IT IS HEREBY FOUND, ORDERED, ADJUDGED, AND DECREED THAT:

1. Unless otherwise provided herein, all capitalized terms in this Order shall have the same meaning as set forth in the Plaintiff's Motion for Attorney's Fees, Costs and Class Representative's Incentive Award.

2. The Court having appointed Badgley Mullins Turner, PLLC and the Law Offices of Daniel Whitmore as Class Counsel.

**~~PROPOSED~~ ORDER GRANTING PLAINTIFF'S
MOTION FOR ATTORNEY'S FEES, COSTS AND
CLASS REPRESENTATIVE'S INCENTIVE
AWARD - 1**

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1 3. Class Counsel has requested the Court award \$50,000.00, an amount equal to
2 Defendant Avis-Budget's contribution towards Class Counsel's attorney's fees.

3 4. These requested attorney's fees are fair and reasonable under RCW 49.48.030 and
4 the Ordinance ("SeaTac Municipal Code Chapter 7.45"). The Court reaches this conclusion after
5 analyzing: (1) the results Class Counsel achieved; (2) Class Counsels' risk in this litigation; (3)
6 the complexity of the issues presented; (4) the hours Class Counsel worked on the case; (5) Class
7 Counsels' hourly rate; (6) the contingent nature of the fee; and (7) awards made in similar cases.

8 5. Class Counsel has submitted authority and declarations to support the Court's
9 lodestar cross-check.

10 6. Class Counsel reasonably expended more than 195.3 hours on the investigation,
11 preparation, filing, and settlement of Plaintiff's Claims. Their detailed time records are based on
12 contemporaneous records of hours worked. Class Counsel exercised billing judgment and billed
13 efficiently.

14 7. Class Counsels' hourly rates - \$565.00 for Duncan Turner, \$495.00 for Daniel
15 Whitmore, and \$310.00 for Mark Trivett - are reasonable hourly rates considering their
16 individual "experience, skill, and reputation," *see Trevino v. Gates*, 99 F.3d 911, 924 (9th Cir.
17 1996) and the prevailing market rates in this jurisdiction. *See Blum v. Stenson*, 465 U.S. 886, 895
18 (1984).

19 8. Applying these rates to the number of hours reasonable expended in litigation,
20 Class Counsels' lodestar is approximately \$66,170.50. This lodestar reflects work and expenses
21 that was reasonable and necessarily expended on the pursuing Plaintiff's claims and that are
22 estimated to occur in concluding the case.

23 9. Here, Plaintiff pursued the action under a remedial Washington employment
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1 statute and a local minimum wage ordinance. Class Counsel pursued this action on a contingency
2 fee basis and assumed the risk that if they were unsuccessful, they would receive no
3 compensation for their work on the certified questions or settlement negotiations. This action
4 was one of the first to seek recovery of wages owed under the Ordinance, and thus, the potential
5 existed for a long and protracted litigation as the Court addressed novel legal issues.

6 10. Class Counsel performed high-quality work, resulting in an extremely favorable
7 collective settlement for Class Members. Class Members recovered the entirety of their owed
8 wages arising under the Ordinance with interest. This is an excellent result for the Class.

9 11. Defendant agreed to pay \$191,838.23 to the Class Members, inclusive of any
10 attorney's fees and costs. The litigation expenses and settlement notice and administration fees
11 and costs incurred by Class Counsel were reasonable, necessary, and appropriately documented
12 in the declarations filed by Class Counsel.

13 12. This Court also awards \$2,000.00 to Plaintiff Samatar Abdi an incentive award
14 for serving as the class representative.

15 13. Based on the foregoing findings and analysis, the Court awards Class Counsel
16 \$50,000.00 in attorney's fees.

17 IT IS SO ORDERED this 31st day of July, 2018.

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22 HONORABLE ROBERT S. LASNIK

23 PRESENTED BY:

24 BADGLEY MULLINS TURNER PLLC

25 /s/ Duncan C. Turner

26 Duncan C. Turner, WSBA # 20597
19929 Ballinger Way NE, Suite 200
Seattle, WA 98155

**[PROPOSED] ORDER GRANTING PLAINTIFF'S
MOTION FOR ATTORNEY'S FEES, COSTS AND
CLASS REPRESENTATIVE'S INCENTIVE
AWARD - 3**

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5
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7 /s/ Daniel R. Whitmore

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